



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

190727



AUG - 6 2008

PROMPT REPLY NECESSARY
CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Kuehne Chemical Company
86 Hackensack Ave.
South Kearny, New Jersey 07032

Attn: Peter Kuehne, President

Re: LCP Chemicals Superfund Site, Linden, Union County, New Jersey

Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq.

Dear Mr. Kuehne:

This letter seeks your cooperation in providing information and documents relating to the contamination of the LCP Chemicals Superfund Site located in the Tremley Point section of the City of Linden, Union County, New Jersey (the "Site" or the "LCP Site"). The Site is an approximate 26 acre parcel of land consisting of Lots 3.01, 3.02 and 3.03 in Block 587 on the current tax map of and located in the City of Linden, N.J. All three Lots are currently owned by the City of Linden.

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. EPA is overseeing a cleanup action addressing the release and threat of release of hazardous substances, pollutants, or contaminants at the Site. This cleanup is being conducted pursuant to our authorities under the federal Superfund law.

Under Section 104(e) (2) of CERCLA, 42 U.S.C. Section 9604(e) (2), EPA has broad information gathering authority which allows EPA to require persons to provide

information and/or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information to EPA **within thirty (30) calendar days of your receipt of this letter.**

While EPA seeks your cooperation in this investigation, your compliance with the attached Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the attached information request, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the material stored at the Site, that information should be submitted within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information; it is necessary that you promptly notify EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Your response to this Request for Information should be mailed to:

Frank X. Cardiello
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866


A copy of your reply should be sent to:

Jonathan Gorin
New Jersey Remediation Branch
Emergency Remediation and Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 19th Floor
New York, New York 10007

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Mr. Gorin at (212)637-4361. Please direct all inquiries from an attorney to Mr. Cardiello at (212) 637-3148.

We appreciate and look forward to your prompt response to this matter.

Sincerely yours,


Raymond Basso
Strategic Integration Manager
Emergency and Remedial Response Division

Enclosures

ATTACHMENT A

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

DIRECTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Request for Information. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Request for Information. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, among other things, the person or entity's full name and present or last known address.
4. Identify Sources of Answers. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.
6. Documents. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion. If a document is requested but is not available, state the reason for its unavailability.
7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request become known or available

to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.

8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCA, 42 U.S.C. § 6927(b), and 40 C.F.R. Part 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would be likely to result in substantial harmful effect on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit in separate envelopes both a clean and a redacted version of any documents or response for which you make a claim of confidentiality.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA Contractor. Information which you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.
10. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
11. Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The terms "you," "yours," and "Respondent" shall mean the addressee of this Request and shall include the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
2. The terms "your Company" or "Company" shall mean your company as it is currently named and constituted and all predecessors in interest of your company and all subsidiaries, divisions, affiliates and branches of your company or of its predecessors.
3. The term "Kuehne" shall mean the Kuehne Chemical Company.
4. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
5. The term "Site" or the " the LCP Chemicals Superfund Site " shall mean the real property identified as Lots 3.01, 3.02 and 3.03 in Block 587 on the current tax map of and located in the City of Linden, N.J; the Site is approximately 26 acres in size and is located in the Tremley Point section of the City of Linden, Union County, New Jersey.

6. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
7. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.
8. The terms "hazardous waste" shall have the definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
9. The term "industrial waste" shall mean any solid, liquid, or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. it contains one or more hazardous substances (at any concentration);
 - b. it is a hazardous waste;
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is radioactive;
 - i. it is an industrial treatment plant sludge or supernatant;
 - j. it is an industrial byproduct having some market value;
 - k. it is coolant water or blowdown waste from a coolant system;
 - l. it is a spent product which could be reused after rehabilitation;
 - m. it is any material which you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with skin; or
 - n. any pollutants or contaminants, any trash, garbage, refuse, containers, drums (regardless of contents or lack thereof) and/or any liquids, solids or sludges.
10. The term "identify" means, with respect to a natural person, to set forth:
 - a. a persons full name;
 - b. present or last known business and home addresses and telephone numbers; and
 - c. present or last known employer (include full name and address) with title, position, or business.

11. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
12. The term "entity" or "entities" refers to persons, individuals, companies, partnerships, or any other type of business association.
13. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
14. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
15. The terms "material" or "materials" mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
16. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
17. The term "pollutant or contaminant" includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents.
18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

ATTACHMENT B

REQUEST FOR INFORMATION

1. Provide process diagrams, Site drawings, sewer and wastewater conveyance locations, discharge locations and other information showing the layout of the Kuehne leasehold and the LCP Site as a whole during the time Kuehne was present at the Site, identifying which parts of the Site were related to Kuehne and which to LCP.
2. Describe all waste streams generated by Kuehne at the LCP Chemicals Site when Kuehne was operating at the Site, and any hazardous substances contained therein including, without limitation, the volume of the wastes generated and the concentration of hazardous substances.
3. Did Kuehne's products, raw materials, intermediates or waste materials, used, produced or generated when Kuehne was operating at the Site, contain mercury? Describe how much mercury these materials contained. Describe any and all procedures for handling, managing and disposing of such mercury.
4. Did the caustic soda Kuehne received from LCP during the time Kuehne operated at the LCP Site contain mercury or other hazardous substances when received? If so, how much mercury or other hazardous substances did it contain?
5. Did Kuehne remove mercury or other hazardous substances from the caustic soda it received from LCP during the time Kuehne operated at the LCP Site? If so, identify:
 - a. the quantity of mercury or other hazardous substances removed by Kuehne on a daily basis; and
 - b. how Kuehne removed and disposed of the mercury or other hazardous substances found in the caustic soda.
6. Did Kuehne require LCP to remove mercury or other hazardous substances from

the caustic soda LCP supplied to Kuehne during the time Kuehne operated at the LCP Site?

If so, describe why Kuehne needed LCP to remove such mercury or other hazardous substances.

7. Did the chlorine tail gas LCP supplied to Kuehne during the time Kuehne operated at the LCP Site contain mercury or other hazardous substances? If so, how much mercury or other hazardous substances did it contain?

8. Did Kuehne remove mercury or other hazardous substances from the chlorine tail gas it received from LCP during the time Kuehne operated at the LCP Site? If so, identify:

- a. the quantity of mercury or other hazardous substances removed by Kuehne on a daily basis; and
- b. how Kuehne removed and disposed of the mercury or other hazardous substances found in the chlorine tail gas.

9. Did LCP remove mercury or other hazardous substances from the chlorine tail gas it supplied to Kuehne? If so, identify:

- a. the quantity of mercury or other hazardous substances removed by LCP on a daily basis; and
- b. how LCP removed and disposed of the mercury or other hazardous substances found in the chlorine tail gas.

10. Did Kuehne require LCP to remove mercury or other hazardous substances from the chlorine tail gas prior to Kuehne receiving the chlorine tail gas from LCP during the time Kuehne operated at the LCP Site?

11. Did Kuehne or its personnel handle mercury contained in materials at the Site in

any manner, including, without limitation, in products, raw materials, waste materials, maintenance activities or housekeeping activities? If so, describe in detail:

- a. the materials that contained mercury; and
- b. how Kuehne handled and disposed of the mercury contained in such materials.

12. Describe how hazardous substances were handled as a housekeeping matter, including, without limitation, how mercury or other substances were swept, wiped or cleaned off of equipment, floors or roofs during operations.

13. Describe Kuehne's air emissions, including fugitive air emissions, at the LCP Site, Including;

- a. the process or processes from which the air emissions resulted;
- b. the constituents contained in each such air emission; and
- c. how and where these air emissions were discharged.
- d. Identify any permits Kuehne obtained as a result of such air emissions.

14. When it was operating at the LCP Site, did Kuehne have any process water discharges from its operations? If so, describe;

- a. the process or processes from which the process water discharges resulted;
- b. the constituents of any such discharge;
- c. describe where each discharge originated; and
- d. where the discharge ultimately terminated.
- e. Identify any permits Kuehne obtained as a result of such discharges.

15. When it was operating at the LCP Site, did Kuehne have any wastewater discharges from its operations? If so, describe:

- a. the process or processes from which the wastewater discharges resulted,
- b. the constituents of any such discharges,

- c. where each discharge originated, and
- d. where the discharge ultimately terminated.
- e. Identify any permits Kuehne obtained as a result of such discharges.

16. When it was operating at the LCP Site, did Kuehne use cooling water in any of its processes. If so, identify:

- a. how much cooling water was used by Kuehne on a daily basis.
- b. Describe the process in which the cooling water was utilized.
- c. Identify any part of the process that came in contact with the cooling water.
- d. Identify how the cooling water was discharged by Kuehne.
- e. Identify the constituents contained in the cooling water.
- f. Describe where the discharge originated, and
- g. where it ultimately terminated.
- h. Identify any permits Kuehne obtained as a result of such discharges.

17. Describe all waste streams generated by Kuehne at the Site, and any hazardous substances contained therein, including without limitations, volume and concentration.

18. Describe any wastewater or stormwater from the Kuehne leasehold or operations that discharged to:

- a. South Branch Creek;
- b. to the ground; or
- c. to ditches on the Site.

19. Did Kuehne operate, maintain or use a septic tank or system on the LCP Site during its operation at the Site? If so, identify:

- a. Where the septic tank or system was located on the Kuehne leasehold,
- b. the period of time that the septic system was in operation,

- c. the waste stream discharged into the septic system,
- d. how the septic system was decommissioned.

20. Did Kuehne operate a chemical resale business during the time period Kuehne was operating at the LCP Site? If so, for each chemical, describe;

- a. the original providers of the chemicals.
- b. Identify the chemicals and volume received, and
- c. the customers to whom the chemicals were resold.

21. Did Kuehne ever arrange for the placement of fill (including, without limitation, soils, construction material and debris that may have been used as fill) at the LCP Site? If so, describe;

- a. the reason for placement of the fill,
- b. the location where fill was placed,
- c. the amounts of fill used,
- d. the constituents in the fill, and
- e. the origins of the fill.

22. Did the NJDEP ever assess any penalties against Kuehne for its operation or discharges from its operations at the LCP Site? If so, identify the amount of such penalties and the basis for each penalty assessed.

23. Were the buildings in which Kuehne operated connected to any sewer pipes, drain pipes, or drainage ditches located on the LCP Site or neighboring Sites? If so, identify;

- a. each building connected to a sewer pipe, drain pipe or drainage ditch, and

- b. the processes or facilities located within each building that discharged to the sewer pipe, drain pipe or drainage ditch.

24. Provide any documentation regarding the installation, use, maintenance, and decommissioning, if any, of the storage tanks used to store sodium hypochlorite at the LCP Site.

25. With respect to the chlorine releases into the atmosphere while Kuehne was at the Site, explain in detail where the releases occurred, how often they occurred and how they were abated. Please provide any record or documentation of their occurrences.

26. Identify each person having knowledge of the facts relating to Kuehne's responses to the above questions. For each person identified, provide the name, address and telephone number of that person and the basis of Kuehne's belief that he or she has such relevant knowledge.

27. Produce all documents containing any facts relating to Kuehne's responses to the above questions.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 2008

Notary Public

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kuehne Chemical Company
86 Hackensack Ave.
South Kearny, New Jersey 07032
Attn: Peter Kuehne, President

2. Article Number

(Transfer from service label)

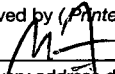
PS Form 3811, August 2001

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A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)



C. Date of Delivery

8/12/08

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

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☐ Yes

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